REMARKS

Claims 1-19, 21-29, and 31-35 were pending in the present application. No claims are amended, cancelled or added. Therefore, claims 1-19, 21-29, and 31-35 remain pending in this application for reconsideration. Applicants believe that the present application is in condition for allowance in view of the following remarks. Prompt and favorable action is respectfully requested.

Summary of the Office Action

In the Office Action, claims 1-19, 21-29 and 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0112952 to Brown *et al.* ("Brown"), in view of U.S. Patent No. 6,696,921 to Helferich ("Helferich"), and further in view of U.S. Patent No. 5,559,860 to Mizikovsky *et al.* ("Mizikovsky").

The rejections are traversed in light of the following remarks.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully submit that each of claims 1-19, 21-29 and 31-35 are patentable over Brown, Helferich and Mizikovsky, because the references, taken alone or in combination, fail to teach or suggest all of the elements recited in the claims.

Independent claim 1 recites, *inter alia*:

A cellular telephone comprising . . .
    a memory coupled to said processor, wherein the processor is configured to:
            receive an attempted incoming communication connection;
            determine whether the attempted incoming communication can be classified based on whether identifying information of the communication is recognized;
            determine whether there is a default response associated with unclassified incoming communications when the identifying information is not recognized, wherein the default response establishes whether the unclassified communication will be able to establish a connection;
            perform the default response when it is determined that the identifying information is not recognized and that there is a default response associated with unclassified incoming communications;

            request a user to input a classification for the attempted incoming communication and determine whether the user responded to the request

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> when the identifying information is not recognized and no default
> response is associated with unclassified incoming communications . . . .

The Office Action asserts that Brown discloses many elements recited in independent claim 1, including a "cellular telephone comprising: a processor", wherein the processor is configured to "determine whether there is a default response associated with exists [sic] when it is determined that the unclassified incoming communication [sic] when identifying information is not recognized" (citing Brown, paragraphs [0083], [0090]) ("caller identification"), and "request a user to input a classification for the attempted incoming communication and determine whether the user responded to the request when the identifying information is not recognized and it is determined that no default response is associated with unclassified incoming communications exist [sic]" (citing Brown, paragraphs [0091] – [0094]) ("classify the attempted calls according to calling party classification"). Office Action dated April 12, 2011 pages 3-4.

Applicants respectfully disagree with the characterization of the teachings of Brown asserted in the Office Action. First, Brown fails to teach or suggest a processor configured to "determine whether there is a default response associated with unclassified incoming communications when the identifying information is not recognized, wherein the default response establishes whether the unclassified communication will be able to establish a connection," as recited in claim 1. The instant specification discloses embodiments which are directed to the automatic handling of incoming communications at a wireless device. The specification discloses that upon receipt of a call request to establish a connection with the wireless device the wireless device may either present a pre-determined message to unidentified callers (i.e., "this number does not accept calls from unidentified numbers.") or may elect to not connect the call if the caller is unidentified. *See* specification, paragraph [0017].

The cited portion of Brown discloses a call system in which an availability server can track availability of a subscriber or user, *see* paragraph [0090], and methods of taking remedial actions for the case in which a party's telephone line is busy when a connection with the party is attempted (for example, by retrying the line again, using an alternate line, or rescheduling the connection), *see* paragraph [0083]. Applicants submit that neither of these features of the system disclosed in Brown relates to making any determination if identifying information of an attempted incoming communication is not recognized in a wireless device, nor do they disclose determining whether there is an associated default response. Applicants therefore submit that

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Brown does not teach or suggest a processor configured to "determine whether there is a default response associated with unclassified incoming communications when the identifying information is not recognized, wherein the default response establishes whether the unclassified communication will be able to establish a connection."

Second, Brown does not disclose a processor configured to "request a user to input a classification for the attempted incoming communication and determine whether the user responded to the request when the identifying information is not recognized and no default response is associated with unclassified incoming communications" as recited in claim 1. The cited portion of Brown discloses that functions of the call system include populating caller ID fields and categorizing calls by various criteria. *See id.*, paragraphs [0091] – [0093]. Brown also discloses:

> In one embodiment of the invention, a subscriber may choose to accept only calls placed through the system (as opposed to direct calls from a caller). As one benefit, this allows him or her to filter or screen calls with greater particularity than conventional systems (e.g., voice mail). If the subscriber blocks all non-system calls, or has them forwarded to the call completion system, then a telephone number and/or name may be placed in a caller id field (of the connection from the system to the subscriber) to prevent the call from being blocked. Alternatively, a subscriber may allow calls that are not received through the system to be passed to a voice-mail system. Illustratively, the voice-mail system may then play a greeting that invites the caller to contact call server 110 to reach the subscriber.

Id., paragraph [0094]. However, Brown provides no disclosure of requesting the user to classify an attempted incoming communication, nor that a default response may be associated with unclassified incoming communications.

Third, Brown fails to teach or suggest taking any action or response based on whether the identifying information of an incoming communication is recognized. That is, the call screening function disclosed in paragraph [0094] of Brown does not filter calls based on whether the information in the caller ID field is recognized by the user's phone, but rather it filters calls based on whether the call has come to the subscriber through the system versus directly from the caller. Applicants therefore submit that Brown fails to teach or suggest a processor configured to "request a user to input a classification for the attempted incoming communication when the

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identifying information is not recognized and no default response is associated with unclassified incoming communications" as recited in claim 1.

The Office Action admits that Brown "fails to explicitly disclose that the processor is located at a cellular telephone", and that Brown also fails to disclose a processor configured to "perform the default response when it is determined that the indentifying information is not recognized and that there is a default response associated with unclassified incoming communications" and "wherein the default response establishes whether the unclassified communication will be able to establish a connection." Office Action dated April 12, 2011, page 4. To cure these deficiencies, the Examiner cites to Helferich. *See id.* at pages 4-5 (citing Helferich, col. 3, ll. 37- 48, col. 4, ln. 55 - col. 6, ln. 7, col. 7, ll. 32 - 65, col. 11, ln. 54 - col. 12, ln. 37; FIGs. 1-2, 9).

Applicants respectfully disagree that combining Helferich with Brown renders the claims obvious. As explained in Applicants' Amendment/Response to Final Office Action dated February 15, 2011, Brown discloses methods and systems for connecting callers which are implemented in a call switching center, and *not* in cellular telephone processors. Applicants therefore submit that Brown does not disclose a cellular telephone configured to classify incoming communications and that no rationale exists to apply the teachings of Helferich to the call switching center disclosed in Brown.

Further, Helferich fails to cure the deficiencies of Brown identified above. In particular, Helferich does not disclose a default response that establishes whether an unclassified communication will be able to establish a connection, nor does it disclose a processor configured to perform the default response when the information is not recognized and when the default response is associated with unclassified communications. Helferich discloses a call setup routine for establishing communication between a system and base station. *See* Helferich, col. 6, ll. 54-56. Helferich discloses a system in which, when a call is received, the caller is verbally prompted to enter information and a message is recorded and stored in a storage retrieval unit. *See id.* at col. 7, ll. 31-59. If it is determined that a return receipt or reply message is requested, "the return address is entered by the caller or optionally issued by the system 30 and is stored by the system 30 in the storage and retrieval unit 32 . . . . The system 30, for instance, may detect the address signal of the incoming call and, by default, store this number as the return address." *Id.* at col. 7, ll. 51-56. Thus, the default action disclosed in Helferich merely operates to store

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additional information with the message so that the user can later attempt a reply communication to the caller. This action does not determine whether an attempted communication will be able to *establish a connection*.

Helferich further discloses a process at a paging transceiver in which the user forwards messages to a recipient. *See* Helferich, col. 11, ll. 8-11. The processor determines whether the message for forwarding is located at the system, requiring communication between the device and system. *See id.* at col. 12, ll. 13-16. If so, the processor determines whether a call is currently in progress, and if it is then the messages are "simply flagged for forwarding to the appropriate addresses" at a subsequent time. *Id.* at col. 12, ll. 16-21. Thus, while Helferich discloses that the messages located at the system are flagged, as opposed to currently forwarded, if a call is currently in progress, the messages to be forwarded are those that were already received by the user and stored by the system. Moreover, the communication between user and message recipient is not an "unclassified incoming communication," as recited in independent claims 1.

Therefore, Applicants submit that the combination of Brown and Helferich fails to teach or suggest a processor configured to perform the default response when it is determined that the identifying information is not recognized and that there is a default response associated with unclassified incoming communications" and "wherein the default response establishes whether the unclassified communication will be able to establish a connection."

The Office Action further admits that the combination of Brown and Helferich fails to disclose a processor configured to "perform the default response when it is determined that the indentifying information is not recognized and that there is a default response associated with unclassified incoming communications" and "wherein the default response establishes whether the unclassified communication will be able to establish a connection." Office Action dated April 12, page 4. To cure these deficiencies, the Office Action cites to Mizikovsky. *Id.* at page 6. Specifically, referring to lines 50-62 in column 7 of Mizikovsky, the Office Action asserts that Mizikovsky discloses a processor configured to "request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists." Office Action dated April 12, page 6.

Applicants respectfully disagree with this characterization of the teachings of Mizikovsky. Mizikovsky discloses:

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> An "electronic road map" which displays to the user a map of roadways selected by him...a traffic information supply service may transmit... information representing the locations of traffic congestion. To receive this information, the user operates keypad to enter to telephone number of that traffic information service and assigns thereto a cartographic display response category...when an incoming call is received from that traffic information service...information of traffic congestion is received and displayed.

Mizikovsky, col. 7, ll. 52-65 (internal citations omitted). Thus, Mizikovsky discloses that a user may pre-program a telephone number and assign to it a pre-programmed response, such that upon receiving a communication from that number the device provides traffic information about the user's selected travel route. However, Mizikovsky does not disclose that the cellular telephone, upon an attempted *unidentifiable* incoming communication, *requests the user* to provide a classification for the unidentifiable incoming communication. Applicants therefore submit that Mizikovsky does not disclose that the cellular telephone determines whether the user responded to the request.

For the foregoing reasons, Applicants submit that independent claim 1 is patentable over the combination of Brown, Helferich, and Mizikovsky because the references fail to teach or suggest all elements recited in the claim. Accordingly, Applicants respectfully request withdrawal of the rejections of claim 1 under 35 U.S.C. § 103(a).

Similar to claim 1, each of independent claims 10, 11 and 21 recite analogous elements to a processor configured to "determine whether there is a default response associated with unclassified incoming communications when the identifying information is not recognized, wherein the default response establishes whether the unclassified communication will be able to establish a connection" and "request a user to input a classification for the attempted incoming communication and determine whether the user responded to the request when the identifying information is not recognized and no default response is associated with unclassified incoming communications" Therefore, for at least the same reasons as stated above with respect to claim 1, Applicants submit that claims 10, 11 and 21 are patentable over the combination of Brown, Helferich and Mizkovsky. Accordingly, Applicants request withdrawal of the rejection of claims 10, 11 and 21 under 35 USC § 103(a).

Since claims 2-9, 12-19, and 22- 35 depend, directly or indirectly, from one of claims 1, 10, 11 and 21, Applicants submit that these claims are also patentable at least depending from an

allowable base claim. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 2-9, 12-19, and 22- 35 under 35 U.S.C. § 103(a).

CONCLUSION

In light of the foregoing remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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